

OFFICE OF THE FEDERAL DEFENDER

EASTERN DISTRICT OF CALIFORNIA

801 I STREET, 3rd FLOOR

SACRAMENTO, CALIFORNIA 95814

(916) 498-5700 Fax: (916) 498-5710


Daniel J. Broderick
Federal Defender

Linda Harter
Chief Assistant Defender

November 13, 2009

Marylou Hillberg
Attorney at Law
P.O. Box 8197
Sebastopol, CA 95473

Re: **Thomas Hennagan v. Prosper et al.**
CIV -04-01900 JAM DAD

FILED
NOV 13 2009
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY 
DEPUTY CLERK

Dear Ms. Hillberg:

This will confirm your appointment as counsel by the Honorable John A. Mendez, U.S. District Judge, to represent the above-named petitioner. You are attorney of record until such time as you are relieved or other action is taken to appoint a different attorney.

Enclosed is CJA 20 form, your Order of Appointment and Voucher for services rendered. Also enclosed is an instruction sheet discussing the use of the forms.

If we may be of any further assistance regarding the processing of the enclosed form, preparation of form CJA 21 for expert services, or in reference to any other matter pertaining to this case, please feel free to call upon us at any time.

Sincerely,

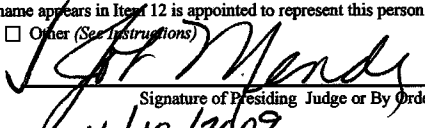


Becky Darwazeh
CJA - Legal Secretary

:bd
Enclosures

cc: Clerk's Office

CJA 20 APPOINTMENT OF AND AUTHORITY TO PAY COURT-APPOINTED COUNSEL (Rev. 12/03)

1. CIR./DIST./ DIV. CODE		2. PERSON REPRESENTED Thomas Hennagan		VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER CIV-04-01900 JAM DAD		5. APPEALS DKT./DEF. NUMBER 09-15342	
7. IN CASE/MATTER OF (Case Name) Hennagan v. Prosper et al		8. PAYMENT CATEGORY <input type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input checked="" type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input type="checkbox"/> Adult Defendant <input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	
10. REPRESENTATION TYPE (See Instructions) APPEAL					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i>					
12. ATTORNEY'S NAME (First Name, M.I., Last Name, including any suffix), AND MAILING ADDRESS Marylou Hillberg P.O. Box 1897 Sebastopol, CA 95473 Telephone Number : (707) 575-0393			13. COURT ORDER <input checked="" type="checkbox"/> O Appointing Counsel <input type="checkbox"/> C Co-Counsel <input type="checkbox"/> F Subs For Federal Defender <input type="checkbox"/> R Subs For Retained Attorney <input type="checkbox"/> P Subs For Panel Attorney <input type="checkbox"/> Y Standby Counsel Prior Attorney's Name: _____ Appointment Dates: _____ <input type="checkbox"/> Because the above-named person represented has testified under oath or has otherwise satisfied this Court that he or she (1) is financially unable to employ counsel and (2) does not wish to waive counsel, and because the interests of justice so require, the attorney whose name appears in Item 12 is appointed to represent this person in this case, OR <input type="checkbox"/> Other (See Instructions)  Signature of Presiding Judge or By Order of the Court 11/10/2009 Date of Order Nunc Pro Tunc Date 10/9/2009 Repayment or partial repayment ordered from the person represented for this service at time appointment. <input type="checkbox"/> YES <input type="checkbox"/> NO		
14. NAME AND MAILING ADDRESS OF LAW FIRM (Only provide per instructions)					

CLAIM FOR SERVICES AND EXPENSES			FOR COURT USE ONLY			
CATEGORIES (Attach itemization of services with dates)		HOURS CLAIMED	TOTAL AMOUNT CLAIMED	MATH/TECH. ADJUSTED HOURS	MATH/TECH. ADJUSTED AMOUNT	ADDITIONAL REVIEW
In Court	a. Arraignment and/or Plea		0.00		0.00	
	b. Bail and Detention Hearings		0.00		0.00	
	c. Motion Hearings		0.00		0.00	
	d. Trial		0.00		0.00	
	e. Sentencing Hearings		0.00		0.00	
	f. Revocation Hearings		0.00		0.00	
	g. Appeals Court		0.00		0.00	
	h. Other (Specify on additional sheets)		0.00		0.00	
	(RATE PER HOUR = \$) TOTALS:		0.00	0.00	0.00	0.00
Out of Court	a. Interviews and Conferences		0.00		0.00	
	b. Obtaining and reviewing records		0.00		0.00	
	c. Legal research and brief writing		0.00		0.00	
	d. Travel time		0.00		0.00	
	e. Investigative and other work (Specify on additional sheets)		0.00		0.00	
	(RATE PER HOUR = \$) TOTALS:		0.00	0.00	0.00	0.00
17. Travel Expenses (lodging, parking, meals, mileage, etc.)						
18. Other Expenses (other than expert, transcripts, etc.)						
GRAND TOTALS (CLAIMED AND ADJUSTED):			0.00		0.00	
19. CERTIFICATION OF ATTORNEY/PAYEE FOR THE PERIOD OF SERVICE FROM: _____ TO: _____			20. APPOINTMENT TERMINATION DATE IF OTHER THAN CASE COMPLETION		21. CASE DISPOSITION	
22. CLAIM STATUS <input type="checkbox"/> Final Payment <input type="checkbox"/> Interim Payment Number _____ <input type="checkbox"/> Supplemental Payment Have you previously applied to the court for compensation and/or reimbursement for this <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, were you paid? <input type="checkbox"/> YES <input type="checkbox"/> NO Other than from the Court, have you, or to your knowledge has anyone else, received payment (compensation or anything of value) from any other source in connection with this representation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, give details on additional sheets. I swear or affirm the truth or correctness of the above statements. Signature of Attorney _____ Date _____						
APPROVED FOR PAYMENT — COURT USE ONLY						
23. IN COURT COMP.	24. OUT OF COURT COMP.	25. TRAVEL EXPENSES	26. OTHER EXPENSES	27. TOTAL AMT. APPR./CERT. \$0.00		
28. SIGNATURE OF THE PRESIDING JUDGE			DATE	28a. JUDGE CODE		
29. IN COURT COMP.	30. OUT OF COURT COMP.	31. TRAVEL EXPENSES	32. OTHER EXPENSES	33. TOTAL AMT. APPROVED \$0.00		
34. SIGNATURE OF CHIEF JUDGE, COURT OF APPEALS (OR DELEGATE) <i>Payment approved in excess of the statutory threshold amount.</i>			DATE	34a. JUDGE CODE		

FILED

UNITED STATES COURT OF APPEALS

AUG 21 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

THOMAS LE'ROY HENNAGAN, JR.,

Petitioner - Appellant,

v.

K. PROSPER; et al.,

Respondents - Appellees.

No. 09-15342

D.C. No. 2:04-cv-01900-JAM
Eastern District of California,
Sacramento

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Appellees' motion to dismiss for failure to prosecute is denied.

Appellant's motion for appointment of counsel in this appeal from the denial of a 28 U.S.C. § 2254 petition for writ of habeas corpus is granted. *See* 18 U.S.C. § 3006A(a)(2)(B); *Weygandt v. Look*, 718 F.2d 952, 954 (9th Cir. 1983) (per curiam). Counsel will be appointed by separate order.

The Clerk shall electronically serve this order on the appointing authority for the Eastern District of California, who will locate appointed counsel. The district court shall send notification of the name, address, and telephone number of appointed counsel to the Clerk of this court at counselappointments@ca9.uscourts.gov within 14 days of locating counsel.

cj/MOATT

If new counsel identifies uncertified issues that should be raised on appeal, counsel shall include them in the opening brief as permitted by Ninth Circuit Rule 22-1(e).

Appellant's May 21, 2009 "motion requesting the record on appeal" is denied without prejudice to renewal by appointed counsel.

The opening brief and excerpts of record are due October 5, 2009; the answering brief is due November 4, 2009; and the optional reply brief is due within 14 days after service of the answering brief.